

Agenda

Civil Society Consultation for the U.S. Universal Periodic Review: New York, New York

February 26, 2010

Welcome and Introductory Remarks

JoAnn Kamuf Ward and Theodore Shaw, Columbia Law School

Panel I: Housing

Rob Robinson, Picture the Homeless; Eric Tars, National Law Center on Homelessness and Poverty; Anne Washington, Community Voices Heard; Emily Goldstein, Tenants and Neighbors; Tyler Chase, L'ORAGE

Panel II: Employment and Labor

Ejim Dike, Urban Justice Center; Haeyoung Yoon, National Employment Law Project; Deloris Wright, Domestic Workers United; Philip Harvey, Rutgers School of Law

Panel III: Education

Phil Tegeler, Poverty and Race Research Action Council; Dennis Parker, ACLU Racial Justice Project; Udi Ofer, NY Civil Liberties Union; Cecilia Blewer, Independent Commission on Public Education; Adelaide Sanford, Board of Regents of the University of the State of New York

Panel IV: Health

Cynthia Soohoo, Center for Reproductive Rights; Anja Rudiger, National Economic and Social Rights Initiative; Bekah Mandell, Vermont Workers Center; Marianne Engelman Lado, Seton Hall Law School; Jule A. Grant, Jamaica Neighborhood Center;

Panel V: Criminal Justice/Detention

Cynthia Totten, Just Detention International; Jesus Gonzalez, Make the Road New York & Community Coalition for Safety

Open Comment Period

Closing Remarks and Adjournment

Site Visits: January 26 & 27, 2010

- **Tour of Housing Units in Harlem**
- **Meet with Families United for Racial and Economic Equality representatives and tour Albee Square Mall**

Civil Society Consultation for the U.S. Universal Periodic Review: New York, New York

February 26, 2010

Eight federal agencies participated in this UPR Session: the Department of State, the Department of Justice, the Environmental Protection Agency, the Department of Housing and Urban Development, the Department of Labor, the Department of Homeland Security, the Department of Education and the Department of Health and Human Services were represented.

- **Panel I: Housing**

Civil society representatives discussed concerns such as the lack of recognition of housing as a human right, problems regarding public housing, displacement, forced evictions, and predatory equity. One representative suggested tangible steps the U.S. Government could take in order to improve housing conditions, such as no longer allowing foreclosed homes to remain empty while people lived on the streets, stopping the decrease in available public housing units, and removing barriers to accessing public housing (such as lifetime bans for minor arrests). Another speaker expressed her frustration with the lack of funding for public housing from federal, state, and city governments, which has resulted in the displacement of people.

The next panelist talked about predatory equity and Section 8 (a federal assistance program that sponsors subsidized housing for low-income persons) issues. She stated that in the past several years, predatory equity has grown and private equity companies have bought projects at unsupportable prices. After explaining how tenants in these buildings have experienced harassment in the effort to pay back these loans, she asserted that more buildings could be retained if they were purchased by responsible landlords.

During the open discussion period, speakers addressed misuse of single-room occupancy hotel buildings, community service requirements for underemployed adults in public housing, trespassing laws, lack of recognition of succession rights, and the need for a public defender in public housing court. Some participants expressed frustration that local NGOs have been left out of housing discussions. Another speaker stated how one individual who had violated drug laws could result in the eviction of an entire family.

- **Panel II: Employment and Labor**

The moderator of this panel stated that the U.S. Government needs to do more to create jobs and emphasized the overrepresentation of minorities in unemployment. A panelist discussed the current high level of unemployment and how some predict that it will continue to rise. She explained how the current economic recession has highlighted fault lines in labor laws and structural inequality in employment systems.

Consultation attendees had the opportunity to hear personal testimony from a childcare provider from Jamaica. As part of an association of housekeepers, childcare providers, and

elderly caregivers, she came to the United States to find an opportunity to provide for her family back home; however, she said that what she encountered was a "lawless" industry where she suffered from exploitation. The woman described one situation where she worked 60 hours per week and was not allowed to take any days off, even for a doctor's appointment. She has been working to pass a Domestic Workers Bill of Rights in the United States so that domestic workers can be on an equal footing with employees in other fields.

Areas of concern raised by other civil society representatives included the impact of unemployment on communities of color and the need to secure the right to work and the right to income for those who cannot work. They also argued for the need to ensure migrant workers are treated as possessors of fundamental human rights and the need to protect those who are denied core labor standards such as the right to a minimum wage. Two suggestions made by a panel participant included informing Americans of their economic rights and the steps they could take to secure those rights as well as highlighting employment issues as a human right in public discourse.

During the open discussion period, people shared personal stories of discrimination, misinformation, and intimidation. One participant explained that among 250 auto repair shops in the city, the vast majority of workers are of Hispanic descent and have been let go from their positions without relocation or compensation. One interlocutor expressed frustration with a lack of accountability. Another conveyed hope that the U.S. Government will develop programs and produce benchmarks in order to reduce racial disparities in employment.

- **Panel III: Education**

The moderator of this panel said that it would focus on the question of the U.S. Government's compliance with the International Convention on the Elimination of Racial Discrimination, with a focus on school segregation, the racial achievement gap, racial disparities in suspensions, expulsions, and arrests that exacerbate the high dropout rate and referral to juvenile justice system, and the threat of privatization. A panelist urged the United States to further study the issue of de facto racial segregation in school systems. He also stressed that for every government program, desegregation should be a part of the process. For example, he stated that the Department of Education should be sure to articulate the importance of desegregation in all programs.

The so-called "school-to-prison pipeline" was another major area of concern that was discussed. A panelist explained that the term is used to describe a phenomenon where zero-tolerance policies in schools push young people out of the classroom and into the juvenile justice system. Stories of children in New York schools who were arrested for non-violent behavior were discussed. For example, one panelist told stories of a 5-year-old child who was handcuffed in school because he threw a temper tantrum and another student that was recently taken away in handcuffs for doodling her name on a desk in erasable marker. Additionally, another

representative from civil society stated that instead of talking about closing the achievement gap which puts the onus on the child, discussion should be centered on an access gap which places responsibility on the education provider. Finally, another panelist critiqued the model of New York City schools, where there is an alleged lack of transparency in decision-making. She also stated that the aim of education in New York falls short of a human rights standard and that parents no longer have an opportunity to provide input into the educational system.

The open discussion period included comments from a former security officer at a New York high school as well as a representative of a Native American community who mentioned the high dropout rate among its members. The former officer stated that when he worked in a school, students carried guns and knives; however, his approach was different and he treated students as equals. He believed that this is how every school in the nation should treat their students. The woman from the Native American community also mentioned the marginalization of Native people in urban areas as well as on reservations. Other topics of discussion included charter schools and the right to education for immigrants.

- **Panel IV: Health**

The panel discussion began with a civil society representative arguing that because healthcare is often treated as a commodity and not a human right, health outcomes in the United States are poorer than in most other high-income countries. She suggested possible ways to improve the system, including equity and nondiscrimination in access to healthcare, publicly financed and administered health plans, and universal access. Another panelist shared stories of Vermonters who are going bankrupt due to healthcare costs or who do not have healthcare because they are unable to afford it. She stated that healthcare bills are one of the leading causes of homelessness in Vermont.

A representative from a local law school discussed racial disparities in access to healthcare, and argued that because there is no comprehensive system for addressing discrimination, negative healthcare outcomes result for immigrants, children, and those in juvenile detention.

During the open discussion period, a representative from the Native American community stated that Native Americans have high rates of diabetes, high blood pressure, teenage suicide and infant mortality. Another interlocutor expressed the need for public parks and increased access to healthy foods. Due to the fact that many people in New York suffer from asthma, she called for increased environmental justice in high-traffic areas. Other issues raised during the open discussion period included the promotion of comprehensive sexual education, the improvement of emergency medical services despite immigration status, and access to reproductive services for women.

- **Panel V: Criminal Justice/Detention**

This panel discussion focused on the following issues: conditions of confinement, access to adequate medical care, racial profiling, mandatory detention of immigrants who are subject to immigration hearings, and the treatment of children accused of criminal offenses. A representative from a criminal justice NGO discussed sexual abuse in prisons and stated that it was a wide-scale problem in New York. She called on the U.S. Government to ratify the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, fully implement the International Covenant on Civil and Political Rights and the Committee Against Torture, and adopt standards for detecting, monitoring, and combating sexual violence in prisons.

Another representative from civil society asserted that stop-and-frisk practices in New York City have a racial bias, and argued against the lack of police accountability. Additional panel participants included three teenage males who shared their personal stories of multiple arrests, unfair treatment in prison, and parole sentences. The three young men discussed how they were currently active in a community-based program that has helped them improve their grades learn how to advocate for themselves and others.

During the open discussion period, participants discussed the detainment of immigrants as well as the viability of less costly and more effective alternatives to detainment. An additional area of concern was mandatory detention for asylum seekers. Individuals called on the Administration to provide secure alternatives for asylum seekers.

- **Open Comment Period**

The consultation concluded with an open comment period where U.S. Government representatives listened to additional concerns from members of civil society and the general public. One contributor stated that upon becoming pregnant, women should not be made subject to extreme punishment. She also asked that healthcare include mental care for expectant mothers. Another contributor stated that policies have led to the massive displacement of low-income residents and small businesses in downtown Brooklyn. Other issues raised included a call for ratification of the Convention on the Rights of the Child, issues related to the use of eminent domain, community input to rezoning decisions, and U.S. endorsement of the United Nations Declaration on the Rights of Indigenous Peoples.

- **Site Visits**

On February 26th, the delegation of U.S. Federal Government representatives visited housing units in Harlem. Residents of apartments spoke about the high rents they paid despite the poor conditions of their living spaces.

On the 27th, government representatives met in Brooklyn, NY, where they were joined by members of several civil society organizations. There, they discussed economic development policies and their effect on small businesses. More specifically, those in attendance discussed

the Albee Square Mall, which was demolished in 2008. Members of civil society argued that this demolition resulted in the displacement of hundreds of small businesses, many of which were owned by immigrants and people of color.

Other areas of concern included a lack of public hearings regarding the loss of parkland for the building of the new Yankee Stadium, tax incentives for big developers, and insufficient job-creation programs in the city.